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NORTH COAST RAILROAD AUTHORITY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIANS FOR ALTERNATIVES
TO TOXICS,

Petitioner/Plaintiff,

v.

NORTH COAST RAILROAD
AUTHORITY, et al.,

Respondents/Defendants.

Case No. CV 11 4102 JCS

**STIPULATION TO MODIFY BRIEFING
SCHEDULE OF THE MOTION FOR
REMAND AND [Proposed] ORDER**

Hearing:

Date: November 18, 2011

Time: 9:30 a.m.

Dept: G, 15th Floor

IT IS HEREBY STIPULATED by and between Petitioner/Plaintiff CALIFORNIANS FOR ALTERNATIVES TO TOXICS ("CATS") and Respondents/Defendants NORTH COAST RAILROAD AUTHORITY and BOARD OF DIRECTORS OF NORTH COAST RAILROAD AUTHORITY (collectively "NCRA") as follows:

A. WHEREAS, the above-entitled matter was removed by Defendants from the Superior Court of the State of California, County of Marin on August 19, 2011;

B. WHEREAS, the matter has been related with that certain action entitled *Friends of the Eel River v. North Coast Railroad Authority, et al.*, Marin County Superior Court Case No. CFV-11-03605, U.S.D.C., No. Dist. Cal., Case No. CV 11 4103 (formerly NJV, now JCS), also removed on August 19, 2011 (ECF #17);

C. WHEREAS, on September 16, 2011, Plaintiff filed a motion to remand the matter to State Court (ECF #9), with the Opposition set to be due on September 30, 2011, the Reply set to be due on October 7, 2011, and the hearing set for November 18, 2011;

D. WHEREAS, the parties to this federal action have had preliminary discussions regarding settlement which are sufficiently encouraging to defer briefing on the motion for remand for a short period to avoid unnecessary utilization of judicial resources and expense to these parties;

NOW THEREFORE IT IS HEREBY STIPULATED as follows:

1. The briefing schedule for the motion for remand shall be as follows:

- a. Opposition due 14- JCS
October 19, 2011
- b. Reply due ~~November 3, 2011~~ October 21, 2011 - JCS
- c. Hearing November 18, 2011

2. The time for preparation of the Administrative Record shall run from the date of the Court's ruling on the pending motion for remand, such extension being in the public interest in compliance with California Public Resources Code §21167.6(c).

3. All other dates set forth in the Order Setting Initial Case Management Conference and ADR Deadlines shall remain in full force and effect, except the parties reserve the right to jointly apply to the Court for continuation of the Case Management Conference, presently set for December 9, 2011.

4. By entering into this Stipulation Plaintiff does not waive any rights or argument to contest the Court's subject matter jurisdiction, as set forth in the Petitioner/Plaintiff's Motion for Remand.

DATED: September 23, 2011

/s/

SHARON DUGGAN
Attorneys for Petitioner
CALIFORNIANS FOR ALTERNATIVES TO
TOXICS

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DATED: September 23, 2011

/s/

CHRISTOPHER J. NEARY
Attorney for Respondents,
NORTH COAST RAILROAD AUTHORITY;
BOARD OF DIRECTORS OF NORTH
COAST RAILROAD AUTHORITY

~~[Proposed]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED., AS MODIFIED.

DATED: September 26, 2011

